

**MOTION FILED**

NOV 9 - 1978

# In the Supreme Court of the United States

OCTOBER TERM, 1978

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**No. 78-606**

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THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY,  
*Petitioner,*  
v.

THE PUBLIC UTILITIES COMMISSION OF THE STATE OF  
CALIFORNIA, and ROBERT BATINOVICH, VERNON L. STURGEON,  
RICHARD D. GRAVELLE, CLAIRE T. DEDRICK, and WILLIAM  
SYMONS, JR., the members of said PUBLIC UTILITIES  
COMMISSION, ET AL.,  
*Respondents.*

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**No. 78-607**

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GENERAL TELEPHONE COMPANY OF CALIFORNIA,  
*Petitioner,*  
v.

THE PUBLIC UTILITIES COMMISSION OF THE  
STATE OF CALIFORNIA, ET AL.,  
*Respondents.*

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## **Motion of California Independent Telephone Association for Leave to File Brief Amicus Curiae**

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Association*

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California Independent Telephone Association respectfully moves the Court pursuant to its Rule 42(1) for leave to file the accompanying brief *amicus curiae* in support of the petitions for writs of certiorari filed by Pacific Tele-

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**Brief of Amicus Curiae in Support of Petitions for  
Certiorari to the Supreme Court of the  
State of California**

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With this brief *amicus curiae* the California Independent Telephone Association (CITA) hopes to demonstrate to the Court that the issues presented by the instant petitions for writs of certiorari are of importance not only to the

parties but to utilities and their customers throughout California and the nation.

CITA represents twenty-five independent telephone companies which provide service to millions of Californians. The action taken in these cases by the California Public Utilities Commission (CPUC), unless reversed, can ultimately frustrate the efforts of CITA's members to provide quality service at the lowest possible rates. The order of the CPUC which is the subject of these proceedings is binding precedent in California and authority elsewhere for depriving utilities large and small of very significant tax benefits in the name of lower utility rates. Once these tax benefits are lost, however, the only means of satisfying the resulting increased tax liability is through higher rates to utility customers.

CITA hereby adopts the brief *amicus curiae* filed today by Sierra Pacific Power Company. That brief further demonstrates the impact on all utilities of the issues presented by these cases and the absence of any means of resolving these important questions other than review by this Court.

CITA therefore respectfully urges the Court to grant the requested writs of certiorari.

DATED: November 10, 1978.

Respectfully submitted,

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